

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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AMERICAN CIVIL LIBERTIES UNION; :
AMERICAN BOOKSELLERS FOUNDATION FOR : Civil Action
FREE EXPRESSION; ANDROGYNY BOOKS, INC. : No. 98-CV-5591
d/b/a A DIFFERENT LIGHT BOOKSTORES; :
ADDAZI, INC. d/b/a CONDOMANIA; :
HEATHER CORINNA REARICK; ELECTRONIC :
FRONTIER FOUNDATION; ELECTRONIC PRIVACY :
INFORMATION CENTER; FREE SPEECH MEDIA; :
NERVE.COM, INC.; AARON PECKHAM d/b/a URBAN :
DICTIONARY; PHILADELPHIA GAY NEWS; :
PLANETOUT, INC.; POWELL'S BOOKSTORES; :
PUBLIC COMMUNICATORS, INC.; SALON :
MEDIA GROUP, INC; DAN SAVAGE; :
and SEXUAL HEALTH NETWORK; :
Plaintiffs, :
v. :
ALBERTO R. GONZALES, in his official capacity as :
ATTORNEY GENERAL OF THE UNITED STATES, :
Defendant. :
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**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO AMEND CASE
MANAGEMENT ORDER**

Plaintiffs oppose defendant's Motion to Amend The Case Management Order on the ground that it is premature at this time. Although plaintiffs are prepared to proceed with the schedule presently set forth in Pretrial Order No. 14 (the Case Management Order), plaintiffs are in the process of negotiating a revised pretrial schedule with defendant to resolve defendant's concerns. Pursuant to Pretrial Order No. 20, plaintiffs will submit a letter report on November 4, 2005 to advise the Court as to whether the

present Case Management Order needs to be modified, and, if so, what the parties' proposals are for a new schedule. To the extent the parties are not able to reach agreement, plaintiffs reserve the right to file a substantive response to defendant's motion.

Respectfully submitted,

DATE: October 20, 2005

/s/

ADEN J. FINE
American Civil Liberties Union Foundation
125 Broad St., 18th Floor
New York, New York 10004
(212) 549-2500

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2005, a true and correct copy of Plaintiffs' Opposition to Defendant's Motion to Amend the Case Management Order was filed electronically via the Court's ECF system, through which a notice of the filing will be sent to:

Karen Stewart
United States Department of Justice
Civil Division, Room 7200
20 Massachusetts Avenue NW
Washington, D.C. 20530

/s/
Aden J. Fine